



Crawley Borough Council

Notification of Decisions

To: All Councillors

The decisions of the **Cabinet** held on **24 November 2021** are attached.

The Call-in Period ends at noon on the 5th day following publication, namely noon on the Tuesday 30 November 2021

The call-in form is attached for your use if required. For further information please refer to the relevant sections of the [Constitution](#).

Yours faithfully

A handwritten signature in black ink, appearing to be "G. Paul", written over a horizontal line.

Head of Legal, Governance & HR

Published on 25 November 2021

Item No.	Title	Decision
6.	Budget Strategy 2022/23 – 2026/27	<p>RESOLVED</p> <p>That the Cabinet recommends to Full Council the approval of the Budget Strategy 2022/23 to 2026/27 and to:</p> <ul style="list-style-type: none"> a) Note the uncertainties around Government funding prior to the settlement in December and the delay in Local Government Funding reforms such as business rates retention and the future of New Homes Bonus. b) Note, for the purpose of projections, the current budget deficit of £138,566 for 2022/23 before use of reserves, on the basis of a Council tax increase of 2.31% which is £4.95 on a Band D in property 2022/23. c) Work towards balancing this over a four-year period, including putting back into reserves when the Budget is in surplus. There may be a need to use reserves over the next three to four years to balance the budget together with ongoing savings, efficiencies and additional income through the transformation programme. d) Note elsewhere on this Agenda there is a report on the Climate Change Emergency Action Plan. The costs identified in 2022/23 are included within existing budgets, however there will be a need to fully cost the plan over the coming years and decisions will be required on how to fund the plan. e) Note that savings previously agreed and included in the Budget Strategy are required to ensure a sustainable budget. f) Delegate to the Leader of the Council in consultation with the Chief Executive and the Head of Corporate Finance to approve a discretionary business rates scheme to distribute the share to Crawley Borough Council of the £1.5b business rates relief as outlined in Section 5.3 of report FIN/537. g) Note that items for the Capital Programme are driven by the need for the upkeep of council assets and environmental obligations and schemes will also be considered that are spend to save or spend to earn but that such prioritisation should not preclude the initial consideration of capital projects that could deliver social value.

		<p>h) Agree the inclusion of new capital schemes in future budgets with the value of £948,460 as identified in Table 8 of report FIN/537.</p> <p>i) Reduce the Gigabit capital programme of £2.7m to £1.35m funded from the West Sussex business rates pool to avoid duplication with Towns Fund Gigabit scheme as identified in section 9.3 of report FIN/537.</p> <p>j) Approve the revised Crawley Homes capital investment plan in Appendix D of report FIN/537 which includes the financial year 2024/25 and the garage repairs capital budget which was transferred to the General Fund.</p> <p>k) Note that the Budget is aligned to the Council's Corporate Priorities.</p> <p>Reasons for the Recommendations</p> <p>a) To continue with the implementation of the Council's budget strategy and to deal with the Council's projected budget deficit which is higher than previously projected due to the impact of the pandemic on future Council tax and Business rates income projections and also impacting other income sources such as fees and charges.</p> <p>b) To reaffirm the criteria for capital programme bids.</p> <p>c) To note that until the Local Government Finance Settlement is known in December 2021 these projections are highly likely to change.</p>
7.	Treasury Management Mid Year Review 2021-2022	<p>RESOLVED</p> <p>That the Cabinet notes the report and the Council's treasury activity for the first two quarters of 2021/2022.</p> <p>Reasons for the Recommendations</p> <p>The CIPFA (Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management recommends that members be updated on treasury management activities regularly (Treasury Management Strategy, annual and mid-year reports). This report, therefore, ensures this Council is implementing best practice in accordance with the Code.</p>

<p>8.</p>	<p>2021/2022 Budget Monitoring - Quarter 2</p>	<p>RESOLVED</p> <p>That the Cabinet notes:</p> <ul style="list-style-type: none"> a) the projected outturn for the year 2021/2022 as summarised in this report. b) the updated proposed spend of Contained Outbreak Management Fund (COMF) grant funding as outlined in Section 10 of report FIN/535. <p>Reasons for the Recommendations</p> <p>To report to Members on the projected outturn for the year compared to the approved budget.</p>
<p>9.</p>	<p>Crawley Homes Rent Overcharge</p>	<p>RESOLVED</p> <p>That the Cabinet:</p> <ul style="list-style-type: none"> a) notes the reasons behind, and the actions being taken to rectify, the rent overcharge b) endorses that Full Council makes the necessary financial provision for both for the refund of rent and the lower income anticipated within the Housing Revenue Account in both the current and future years. <p>The Cabinet recommends to Full Council to</p> <ul style="list-style-type: none"> a) Note and comment on the reasons behind, and the actions being taken to rectify, the rent overcharge. b) Agree the necessary financial provision for both for the refund of rent and the lower income anticipated within the Housing Revenue Account in both the current and future years. The cost in the current and future financial years will result in less resource to fund future housing. e) Note that the cost of the refunds made to tenants/DWP will impact in the current financial year the sum that will be transferred to the major repairs reserve for investment in future housing stock. This will be in reported in the Quarter 3 Budget Monitoring Report. <p>Reasons for the Recommendations</p> <ul style="list-style-type: none"> a) In April 2021 the Council was contacted by the Regulator for Social Housing following a first

mandatory data return about the setting of target rents. The Council was identified as an outlier in that its target rents were higher than the Government's formula rent and valuations suggested they should be.

- b) Forensic investigation identified that the issue dates back to changes to the Tenancy Agreement agreed in October 2013 and implemented in April 2014. One of the changes implemented was to move from charging rent based on a 48-week year to a 52-week year. Actual rents were changed but the target rents on the system were not. This has affected 2,259 tenancies, of which 1,757 are current tenancies.
- c) Existing tenancies were not affected by this change, and neither have new tenancies within properties built since April 2014. New tenancies since April 2014 within properties that pre-date April 2014 have consequently been overcharged in the region of 8%.
- d) Tenants have paid the rent they would have signed up to pay as part of their Tenancy Agreement, but that rent level was set higher than it ought to have been. Given that rents have been set as part of a valid Tenancy Agreement and that all subsequent actions have been taken in line with that Tenancy Agreement, the Council has acted legally throughout.
- e) The Leader and Cabinet Member were informed at the end of April 2021 and were clear that this needed to be resolved consistent with natural justice and transparency, and as quickly as possible. The Leader of the Opposition Group was also informed and agreed this needed to be resolved in a way that had the least possible impact on residents, and that wider communication should be at a time when the Council was ready to rectify the problem.
- f) Given the scale and complexity of the issue it has taken a number of months to put everything in place in order to proceed. All members and all affected tenants have been informed and from mid-November steps are being taken to reset the rents at the correct level and to refund all tenancies affected. These steps have been taken under existing delegated powers, but it is important that there is an official record of the steps being taken and the need to make the necessary financial adjustments.

<p>10.</p>	<p>Unsupervised Play Investment Programme</p>	<p>RESOLVED</p> <p>That the Cabinet:</p> <ul style="list-style-type: none"> a) approves the proposed Investment Programme for Unsupervised Play for 2022/23 as set out in Appendix B to report HCS/33 adding £218,000 to the capital programme fully funded from S106 contributions. b) delegates authority to the Cabinet member for Wellbeing in consultation with the Head of Community Services, to conduct review stage/s and agree where necessary to reprioritise the order of delivery for the relevant phase of the investment programme. <p>Reasons for the Recommendations</p> <ul style="list-style-type: none"> a) The recommendations are made to agree a programme of improvement projects for Unsupervised Play facilities and set the priorities for capital spend, ensuring the continued up keep in the quality and condition of assets. b) It establishes a formal process for the regular review of the investment programme; and where necessary to reprioritise the order of investments if any project conditions change over time and where health and safety risks vary the urgency.
<p>11.</p>	<p>Climate Emergency Action Plan</p>	<p>RESOLVED</p> <p>That the Cabinet:</p> <ul style="list-style-type: none"> a) approves the 'Core Principles for Action' document (Appendix A) to report PES/390 which underpins the Climate Emergency Action Plan. b) approves the Climate Emergency Action Plan delivery programme for 2022/23 (Appendix B) to report PES/390 , to enable the council to start delivery of the carbon reduction measures identified. c) approves in principle the overall Climate Emergency Action Plan to 2030 (Appendix B) to report PES/390 to enable the Council to reduce the carbon emissions generated by its activities by at least 45% by 2030 and to zero by 2050, subject to consideration next year of a full funding plan being developed for continued delivery from 2023/24.

		<p>Reasons for the Recommendations</p> <p>a) In July 2019, Full Council declared a Climate Emergency and made a commitment to reduce the council’s carbon emissions by at least 45% by 2030 and to zero by 2050.</p> <p>b) The Council believes that all governments (national, regional and local) have a duty to limit the negative impacts of Climate Breakdown; and has committed to aim for zero carbon emissions as soon as possible and, in doing so, to show leadership and encourage local residents, stakeholders and businesses to do the same.</p> <p>c) The Council has recognised that as a society we are now beyond taking small measures while generally carrying on with ‘business as usual’. Deep cuts in greenhouse gas emissions are needed quickly to stabilise rising temperatures alongside rethinking agriculture and land use to restore ecosystems. This will impact on all aspects of our lives.</p> <p>d) Decisions made across national, regional and local authorities now will determine whether or not we are subject to catastrophic climate and ecological impacts or can transition to a stable and sustainable world. Although these decisions have to be taken at all levels of society, they need to be taken significantly by local authorities like the council, which has a critical lead role to play in driving down carbon emissions at the local level.</p> <p>e) The Climate Emergency Action Plan outlines the actions the Council needs to set in motion now in order to deliver on this commitment.</p>
<p>12.</p>	<p>One Town - Crawley Economic Recovery Plan - Consultation Findings and Final Version</p>	<p>RESOLVED</p> <p>That Cabinet approves the final version of the “One Town” Crawley Economic Recovery Plan 2022-2037 (Appendix A of report PES/391) and to adopt it as Council policy.</p> <p>Reasons for the Recommendations</p> <p>Cabinet approval is sought to enable adoption of the “One Town” Crawley Economic Recovery Plan 2022-2037 as Council policy.</p>

13.

Town Centre District
Heat Network (DHN)
Phase 2

RESOLVED

That the Cabinet

- a) approves proceeding with the first phase of the study (feasibility) and reallocating £25,000 match funding from the existing £435,000 Town Centre capital budget.
- b) agrees to a new Capital programme scheme for the DHN phase 2 of £94,950 with the balance of £69,950 being funded from Heat Network Development Unit (HDNU) grant.
- c) delegates authority to the Head of Major Projects and Commercial Services in consultation with the Cabinet Member for Environment and Sustainability to review findings of the feasibility study and decide whether to proceed with the second phase of the study (full business case) and earmark a further £55,000 match funding from the Town Centre capital budget for this purpose. (Generic Delegation 7 will be used to enact this recommendation).

Reasons for the Recommendations

- a) In October 2018, Cabinet approved the business case for the Town Centre DHN phase 1 (HPS 15) which is currently under construction.
- b) With the approval of the business case for phase 1, Cabinet also approved the recommendation to:

“Note the projected financial implications for phase 2 of the DHN and that future expansion will be subject to a further report to Cabinet once the capital costs and customer and commercial negotiations have progressed”
- c) With a number of developments in the Town Centre progressing that are potential connections to the DHN phase 2, a prompt examination of the phase 2 feasibility and business case is required. This will allow a decision on possible future construction to be made.
- d) The Council has also committed to carbon reductions of at least 45% by 2030 and to zero by 2050. It is therefore timely to examine the technical options and financial implications of switching the DHN from gas to a low carbon heat source.

<p>15.</p>	<p>Crawley Innovation Centre - Draft Business Case</p>	<p>Exempt Paragraph 3</p> <p><i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i></p> <p>RESOLVED</p> <p>That the Cabinet</p> <ul style="list-style-type: none"> a) approves the submission of the Crawley Innovation Centre business case (Appendix A) to the Coast to Capital Local Enterprise Partnership in order to seek their approval to grant £8.6 million of Getting Building Fund to Crawley Borough Council to deliver the Crawley Innovation Centre project. b) delegates authority to the Head of Economy and Planning and the Head of Corporate Finance in consultation with the Cabinet Member for Planning and Economic Development to make any technical modifications required to the wording and content of the business case prior to submission of the final draft of the business case to the Coast to Capital Local Enterprise Partnership. c) delegates to the Asset Manager in consultation with the Chief Executive, the Leader of the Council, the Cabinet Member for Planning and Economic Development and the Head of Corporate Finance to acquire a suitable property if necessary for the Crawley Innovation Centre should one become available. <p>The Cabinet recommends to Full Council to</p> <p>agree to increase the capital programme budget for the Innovation Centre by £8.6m subject to receiving approval from the LEP that the bid is successful and that they will provide the £8.6m grant. This is also subject to a viable business case that satisfies the s151 officer being received on the revenue financial implications to the Council of the project.</p> <p>Reasons for the Recommendations</p> <ul style="list-style-type: none"> a) To enable the Council to submit and present the business case for the Crawley Innovation Centre project to the Coast to Capital Local Enterprise Partnership (LEP) with a view to securing approval from the LEP for the allocation of £8.6 million of Getting Building Fund monies to the Council to deliver
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		<p>the Crawley Innovation Centre project.</p> <p>b) To enable the Council to acquire a suitable property should one become available if necessary to enable delivery of the Crawley Innovation Centre project.</p> <p>c) To enable the allocation of £8.6 million to the CBC capital programme, subject to:</p> <ul style="list-style-type: none"> • LEP approval of the Getting Building Fund monies; • Full Council approval • The viability of the business case satisfying the Council's s151 officer
<p>16.</p>	<p>Acquisition of Properties for Temporary Accommodation</p>	<p><i>Exempt Paragraph 3</i></p> <p><i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i></p> <p>RESOLVED</p> <p>That the Cabinet delegates authority for the negotiation, approval and completion of all relevant legal documentation to complete the proposed purchase as described in Section 6 below, to the Head of Strategic Housing Services, Head of Legal, Governance and HR and Head of Corporate Finance, in consultation with the Leader of the Council and the Cabinet Member for Housing. <i>(Generic Delegations 2 & 3 will be used to enact this recommendation)</i></p> <p>Reasons for the Recommendations</p> <p>The Covid pandemic and the current economic climate has fuelled what is already a high demand on the homelessness service. In responding to this demand the Council has been forced to resort to some of the most expensive forms of temporary accommodation, such as bed and breakfast, commercial hotels and other forms of nightly paid accommodation.</p> <p>Expanding the portfolio of Council owned temporary accommodation through the acquisition of properties will help alleviate some of these pressures.</p>

<p>17.</p>	<p>CBC Parking Services Agreement with NHS Property Services Ltd</p>	<p>Exempt Paragraphs 3 & 5</p> <ul style="list-style-type: none"> - <i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i> - <i>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</i> <p>RESOLVED</p> <p>That the Cabinet</p> <ol style="list-style-type: none"> a) approves, in principle the negotiation and securement of an agreement with NHS Property Services Ltd for CBC Parking Services to continue the operation and enforcement of the Off Street Parking Order (OSPO) at Crawley Hospital Car Park. b) delegates the negotiation, agreement terms, duration and approval and completion of all relevant legal documentation to the Head of Community Services in consultation with the Head of Legal, Governance and HR, Head of Corporate Finance and appropriate Cabinet Member. This will include: <ul style="list-style-type: none"> - Fulfilment of the legislative requirements associated with the Off Street Parking Order - Lease agreement - Service Level Agreement <p>Reasons for the Recommendations</p> <p>The recommendations are required to ensure that the operation and enforcement of the OSPO for Crawley Hospital Car Park are legally compliant and in place as soon as possible. The recommended approach aims to provide a balance between ensuring a compliant, high quality service which continues to support the wider needs of residents and businesses relating to local traffic congestion and mitigate any future potential risks.</p>
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FORM OF NOTIFICATION OF SUPPORT FOR CALL-IN

Any Councillor of the Council, calling in a decision, must then obtain within the five working days following the call-in, the support of three other Councillors of the Council.

In order to ensure that Call-In is not abused, nor causes unreasonable delay, the following requirements must be fully satisfied before a matter will be considered for Call-In:

- a) At least four Councillors (one of which will be the named signatory) must request Call-In of the decision. Failure to obtain the support of three other Councillors within this period will mean that the original decision will stand, on the sixth day, the decision will be implemented.
- b) The request for Call-In must specify the reason for the Call-In and provide evidence which demonstrates the alleged breach of at least one principle of decision making.
- c) The request for Call-In must be received by the Monitoring Officer by 12 noon on the fifth day following publication of the decision. The request for Call-In should either be submitted:
 - In Hard Copy: including the signatures of the Councillor requesting the Call-In and those Councillors supporting the Call-In.
 - Electronically: to democraticservices@ Crawley.gov.uk. The Councillor requesting the Call-In must submit the form and each Councillor supporting the Call-In must send an email in support. All emails must be sent from the Councillors' individual Crawley Borough Council email address.
- d) The decision for which Call-In is requested must not have been subject to a prior Call-In request.
- e) Should the proposed Call-In decision have been considered by the Commission, the justification must also explain why the Councillor requesting the Call-In is of the view that, either:
 - The Commission did **not fully** scrutinise the decision in advance of it being taken; or
 - The views of the Commission were **not fully** considered or addressed by the Cabinet in their decision making.

Decision being called in (including item no.)	Which provisions have been breached and how?

Signatories

1. Signature of Councillor calling-in the decision

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Name in capitals

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2. Signature of Councillor Supporting the call-in

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Name in capitals

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3. Signature of Councillor Supporting the call-in

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Name in capitals

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4. Signature of Councillor Supporting the call-in

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Name in capitals

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